

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOSEPH JADCZAK AND  
CATHERINE JADCZAK,

Plaintiffs,

v.

HOMESITE INSURANCE COMPANY,

Defendant.

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C.A. No. 07-0431GMS

**JADCZAK PLAINTIFFS' MOTION FOR PARTIAL  
SUMMARY JUDGMENT ON THE "DWELLING" ISSUE**

Plaintiffs Catherine and Joseph Jadcak respectfully move, pursuant to Federal Rule of Civil Procedure 56, for summary judgment on the "dwelling" issue. Specifically, they ask this Court to hold as a matter of law that:

- There is no genuine issue of material fact with respect to the unique nature of the Jadcaks' airpark residence: it consists of not one but two dwelling units, one of which is the residential hangar.
- Though the insured property indisputably houses two dwelling units (one being the residential hangar), "Coverage A" speaks only in terms of "[t]he dwelling" in the singular. This is a latent ambiguity, and must be construed against Homesite as the policy's drafter.
- The loss of the residential hangar must therefore be covered under "Coverage A," and subject to the policy limits thereunder.

The grounds for this motion are more fully set forth in the accompanying opening brief.

Respectfully submitted,

/s/ John S. Spadaro

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